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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John A. Robinson et al.

Art Unit: 1653

Serial No.: 10/705,716

Examiner: Anand U. Desai

Filed: November 10, 2003

Atty. Docket: AM100401

For: A NOVEL PTH RESPONSIVE GENE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respond to the Office Action mailed on August 6, 2004. A petition under 37 CFR 1.136(a) for a Two-Month Extension of Time in which to respond accompanies this Response.

Election/Restriction

In the Office Action, the Examiner required restriction to one of the following groups of claims under the provisions of 35 USC §121:

Group I (claims 1-7, 13-33, 38-41 in part) drawn to an isolated nucleic acid fragment encoding a PAIGB polypeptide, a vector comprising the nucleic acid fragment, a transformed host cell, and a composition for regulating bone-forming activity comprising a nucleic acid fragment of claim 1, classified in class 435, subclass 69.1, 320.1, 325, 252.3, 254.2 and class 536, subclass 23.4.

Group II (claims 8-12, 38-41 in part, 42) drawn to a polypeptide encoded by the isolated nucleic acid fragment, and a composition for regulating bone-forming activity comprising a polypeptide, classified in class 530, subclass 300, and 350.

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Group III (claim 34) drawn to a method of obtaining a nucleic acid fragment encoding the polypeptide, classified in class 436, subclass 94.

Group IV (claim 35) drawn to a method of culturing and purifying a polypeptide, classified in class 435, subclass 71.1.

Group V (claim 36) drawn to a method of detecting a nucleic acid fragment in a biological sample, classified in class 435, subclass 6.

Group VI (claims 37, 38-41 in part) drawn to an antibody that binds PAIGB polypeptide, and a composition for regulating bone-forming activity comprising an antibody, classified in class 424, subclass 139.1.

Group VII (claims 43 in part, 44, 48-50 in part) drawn to a polynucleotide agent that alters expression of PAIGB gene or polypeptide, classified in class 536, subclass 23.1.

Group VIII (claims 43 in part, 45, 47, 48-50 in part) drawn to a polypeptide agent that alters expression of PAIGB gene polypeptide, classified in class 514, subclass 2.

Group IX (claims 43 in part, 46, 48-50 in part) drawn to a chemical small molecule agent that alters expression of PAIGB gene or polypeptide, classified in class 514, subclass 506.

Group X (claims 51 and 52) drawn to a method for determining whether an agent alters the expression of PAIGB mRNA, classified in class 436, subclass 94.

Group XI (claims 53 and 54) drawn to a method for screening agents for effectiveness in altering expression of a nucleic acid fragment, classified in class 435, subclass 91.1.

Group XII (claims 55-58) drawn to a method of screening for agents useful for the treatment of bone related disorders, classified in class 424, subclass 572.

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Group XIII (claims 59 and 61) drawn to a method for evaluating the efficacy of a treatment of a bone related disorder, classified in class 424, subclass 549.

Group XIV (claim 60) drawn to a method for identifying polypeptides capable of binding to PAIGB comprising applying a mammalian two-hybrid procedure, classified in class 435, subclass 7.8.

Group XV (claims 62-79) drawn to a transgenic animal, classified in class 800, subclass 21.

Group XVI (claims 80, 81 and 83-87) drawn to a method of studying bone mass determinants, a method of identifying an agent effective for the treatment of bone related disorders using transgenic animals, classified in class 80, subclass 3.

Group XVII (claim 82) drawn to a method of studying the effect of PAIGB on bone disorders using transgenic animals, classified in class 800, subclass 25.

Group XVIII (claim 88) drawn to a stably transfected cell line, classified in class 800, subclass 4.

Applicants hereby elect the Group II invention, claims 8-12, 38-41 in part, 42, drawn to a polypeptide encoded by the isolated nucleic acid fragment, and a composition for regulating bone-forming activity comprising a polypeptide, classified in class 530, subclass 300, and 350.

Applicants reserve the right to traverse the restriction requirement between the non-elected groups in this or a separate application.

If a telephone conversation with Applicants' agent would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' agent at (302) 984-6075.

Applicant believes the appropriate fees due in connection with the filing of this Response and Extension of Time are provided herewith. However, should a

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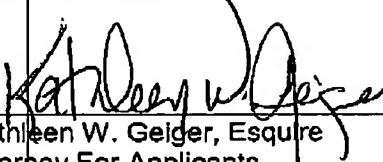
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fee be due that is not accounted for authorization is given to charge such fees to
Deposit Account No. 501447 (Potter Anderson & Corroon LLP).

Respectfully submitted,


Kathleen W. Geiger, Esquire
Attorney For Applicants
Registration No.: 35,880
Potter Anderson & Corroon LLP
PO Box 951
Wilmington, DE 19899-0951

Dated: 5 Nov '04
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